

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:13-cv-00062-MR**

i play. inc.,)
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Plaintiff,)
)
)
vs.) O R D E R
)
)
WINC DESIGN LIMITED, et al.,)
)
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Defendants.)
)

THIS MATTER is before the Court on Defendant Pure Precision Limited's Motion to Dismiss [Doc. 16]; the Plaintiff's Response to the Court's Show Cause Order [Doc. 19]; the Plaintiff's Amended Complaint [Doc. 20]; and the Plaintiff's Motion to Amend Summons [Doc. 21].

The Defendant Pure Precision Limited filed a motion to dismiss the Plaintiff's Complaint on August 26, 2013. [Doc. 16]. On September 12, 2013, the Plaintiff filed an Amended Complaint as of right pursuant to Rule 15(a)(1)(B). [Doc. 20]. The Plaintiff's original Complaint having been superseded by the filing of the Amended Complaint, the Defendant's Motion to Dismiss shall be denied as moot.

On August 29, 2013, the Court entered an Order directing the Plaintiff to show cause for its failure to effect service on the Defendant Winc Design Limited. [Doc. 17]. The Plaintiff now responds to that Order, setting forth the steps taken by Plaintiff's counsel to serve Winc Design with service of process in Hong Kong, China. [Doc. 19].

Upon review of the Plaintiff's Response, the Court concludes that the Plaintiff has shown due diligence in its efforts to serve Winc Design. Accordingly, the Show Cause Order will be discharged.

Finally, the Plaintiff seeks to amend the Summons in this matter. [Doc. 21]. The record reflects that the Clerk of Court issued a Summons for the Amended Complaint which contains the amendments requested by the Plaintiff. Accordingly, the Plaintiff's Motion to Amend Summons is moot.

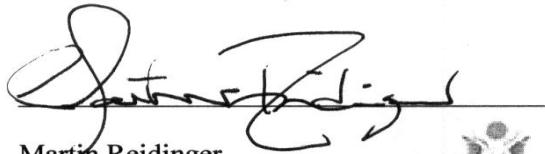
IT IS, THEREFORE, ORDERED that Defendant Pure Precision Limited's Motion to Dismiss [Doc. 16] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Show Cause Order [Doc. 17] is hereby **DISCHARGED**.

IT IS FURTHER ORDERED that the Plaintiff's Motion to Amend Summons [Doc. 21] is **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed: September 21, 2013



Martin Reidinger
United States District Judge

